

AMENDED IN SENATE MAY 1, 2003

SENATE BILL

No. 945

Introduced by Senator Sher

February 21, 2003

An act to amend *Sections 21083, 21084.2, and 21086 of, and to repeal* Section 21087 of, the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 945, as amended, Sher. Environmental quality: guidelines.

The existing California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA requires the Office of Planning and Research (OPR) to prepare and develop proposed guidelines for the implementation of CEQA by public agencies. CEQA requires that the guidelines contain various objectives, criteria, and procedures, as specified. CEQA requires OPR, at least once every 2 years, to review the guidelines and recommend changes or amendments to the Secretary of the Resources Agency. CEQA requires the Secretary of the Resources Agency to certify and adopt guidelines at least once every 2 years.

CEQA requires OPR to recommend proposed changes and the secretary to certify and adopt revisions to the guidelines to reflect changes enacted during the 1993–94 Regular Session of the Legislature within 6 months of the enactment of AB 314 of the 1993–94 Regular Session of the Legislature.

This bill would delete the requirements summarized in the preceding paragraph *and would make conforming changes*.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. — Section 21087 of the Public Resources Code is~~

2 *SECTION 1. Section 21083 of the Public Resources Code is*
3 *amended to read:*

4 21083. (a) The Office of Planning and Research shall prepare
5 and develop proposed guidelines for the implementation of this
6 division by public agencies. The guidelines shall include
7 objectives and criteria for the orderly evaluation of projects and the
8 preparation of environmental impact reports and negative
9 declarations in a manner consistent with this division.

10 (b) The guidelines shall specifically include criteria for public
11 agencies to follow in determining whether or not a proposed
12 project may have a “significant effect on the environment.” The
13 criteria shall require a finding that a project may have a
14 “significant effect on the environment” if ~~any~~ *one or more* of the
15 following conditions exist:

16 (1) A proposed project has the potential to degrade the quality
17 of the environment, curtail the range of the environment, or to
18 achieve short-term, to the disadvantage of long-term,
19 environmental goals.

20 (2) The possible effects of a project are individually limited but
21 cumulatively considerable. As used in this paragraph,
22 “cumulatively considerable” means that the incremental effects
23 of an individual project are considerable when viewed in
24 connection with the effects of past projects, the effects of other
25 current projects, and the effects of probable future projects.

26 (3) The environmental effects of a project will cause
27 substantial adverse effects on human beings, either directly or
28 indirectly.

29 (c) The guidelines shall include procedures for determining the
30 lead agency pursuant to Section 21165.

31 (d) The guidelines shall include criteria for public agencies to
32 use in determining when a proposed project is of sufficient
33 statewide, regional, or areawide environmental significance that

a draft environmental impact report, a proposed negative declaration, or a proposed mitigated negative declaration shall be submitted to appropriate state agencies, through the State Clearinghouse, for review and comment prior to completion of the environmental impact report, negative declaration, or mitigated negative declaration.

(e) The Office of Planning and Research shall develop and prepare the proposed guidelines as soon as possible and shall transmit them immediately to the Secretary of the Resources Agency. The Secretary of the Resources Agency shall certify and adopt the guidelines pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, which shall become effective upon the filing thereof. However, the guidelines shall not be adopted without compliance with Sections 11346.4, 11346.5, and 11346.8 of the Government Code.

(f) *The Office of Planning and Research shall, at least once every two years, review the guidelines adopted pursuant to this section and shall recommend proposed changes or amendments to the Secretary of the Resources Agency. The Secretary of the Resources Agency shall certify and adopt guidelines, and any amendments thereto, at least once every two years, pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, which shall become effective upon the filing thereof. However, guidelines may not be adopted or amended without compliance with Sections 11346.4, 11346.5, and 11346.8 of the Government Code.*

SEC. 2. *Section 21084.2 of the Public Resources Code is amended to read:*

21084.2. The Office of Planning and Research shall, at the next revision of the California Environmental Quality Act Guidelines (Chapter 3 (commencing with Section 15000) of Division 6 of Title 14 of the California Code of Regulations), which takes place after January 1, 1996, pursuant to Section ~~21087~~ 21083, recommend changes to those guidelines that would determine if Sections 15301, 15302, and 15304 of Title 14 of the California Code of Regulations apply to the treatment of medical waste by steam sterilization. If the office determines that those provisions of the guidelines apply, consistent with existing law, to that treatment, the office shall recommend clarifying revisions to

1 the guidelines to expressly state that the treatment is subject to a
2 categorical exemption under those provisions of the guidelines. If
3 the office determines that those provisions of the guidelines do not
4 categorically exempt that treatment, and if ~~such an~~ *that* exemption
5 is consistent with existing law, the office shall recommend a
6 categorical exemption for the treatment in its recommended
7 revision of the guidelines.

8 *SEC. 3. Section 21086 of the Public Resources Code is*
9 *amended to read:*

10 21086. (a) A public agency may, at any time, request the
11 addition or deletion of a class of projects, to the list designated
12 pursuant to Section 21084. ~~Such a~~ *That* request shall be made in
13 writing to the Office of Planning and Research and shall include
14 information supporting the public agency's position that ~~such the~~
15 class of projects does, or does not, have a significant effect on the
16 environment.

17 ~~The~~

18 (b) ~~The~~ Office of Planning and Research shall review each ~~such~~
19 request and, as soon as possible, shall submit its recommendation
20 to the Secretary of the Resources Agency. Following the receipt of
21 ~~such that~~ recommendation, the Secretary of the Resources Agency
22 may add or delete the class of projects to the list of classes of
23 projects designated pursuant to Section 21084 ~~which that~~ are
24 exempt from the requirements of this division.

25 ~~The~~

26 (c) ~~The~~ addition or deletion of a class of projects, as provided
27 in this section, to the list specified in Section 21084 shall constitute
28 an amendment to the guidelines adopted pursuant to Section 21083
29 and shall be adopted in the manner prescribed in Sections 21083,
30 21084, and 21087 and 21084.

31 *SEC. 4. Section 21087 of the Public Resources Code is*
32 *repealed.*

33 ~~21087. (a) The Office of Planning and Research shall, at least~~
34 ~~once every two years, review the guidelines adopted pursuant to~~
35 ~~Section 21083 and shall recommend proposed changes or~~
36 ~~amendments to the Secretary of the Resources Agency. The~~
37 ~~Secretary of the Resources Agency shall certify and adopt~~
38 ~~guidelines, and any amendments thereto, at least once every two~~
39 ~~years, pursuant to Chapter 3.5 (commencing with Section 11340)~~
40 ~~of Part 1 of Division 3 of Title 2 of the Government Code, which~~

1 ~~shall become effective upon the filing thereof. However,~~
2 ~~guidelines shall not be adopted or amended without compliance~~
3 ~~with Sections 11346.4, 11346.5, and 11346.8 of the Government~~
4 ~~Code.~~

5 ~~(b) Within six months of the enactment of AB 314 of the~~
6 ~~1993-94 Regular Session of the Legislature, the Office of~~
7 ~~Planning and Research shall recommend proposed changes and~~
8 ~~the Secretary of the Resources Agency shall certify and adopt~~
9 ~~revisions to the guidelines pursuant to Section 21083 to reflect the~~
10 ~~changes to this division enacted during the 1993-94 Regular~~
11 ~~Session of the Legislature.~~

12 ~~amended to read:~~

13 ~~21087. The Office of Planning and Research shall, at least~~
14 ~~once every two years, review the guidelines adopted pursuant to~~
15 ~~Section 21083 and shall recommend proposed changes or~~
16 ~~amendments to the Secretary of the Resources Agency. The~~
17 ~~Secretary of the Resources Agency shall certify and adopt~~
18 ~~guidelines, and any amendments thereto, at least once every two~~
19 ~~years, pursuant to Chapter 3.5 (commencing with Section 11340)~~
20 ~~of Part 1 of Division 3 of Title 2 of the Government Code, which~~
21 ~~shall become effective upon the filing thereof. However,~~
22 ~~guidelines may not be adopted or amended without compliance~~
23 ~~with Sections 11346.4, 11346.5, and 11346.8 of the Government~~
24 ~~Code.~~

